

PERS

78-1803

OGC Has Reviewed

DD/A Registry

78-2341

9 JUN 1978

DD/A Registry

File *Medical*

MEMORANDUM FOR: Deputy Director for Administration

FROM : F. W. M. Janney
Director of PersonnelSUBJECT : Payment for Travel for Medical Examinations
of Dependents of Selected Applicants

STATINTL REFERENCES : A. [redacted]
 B. Memo for C/SPD from OGC dtd 30 Jul 76,
 Subj., Acquisition by the Agency of
 Medical History Statements on the
 Spouses and Children of Prospective
 Employees
 C. Memo for C/CMS/NOC from OGC dtd 8 Feb 77,
 Subj., Medical Examinations for Depen-
 dents of NOC Projects

STATINTL

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1. Action Requested. a. That you approve under authority
 of Reference A the roundtrip travel and related expenses for
 [redacted] wife of an Office of Communications applicant
 [redacted] b. That you authorize medical travel
 for dependents of other selected applicants.

2. Background. About two years ago, the Office of Communi-
 cations inquired if it would be possible to secure medical
 histories from the dependents of their applicants who were slated
 for overseas assignments upon completion of training. This re-
 quest was based on several cases in which dependents were found
 medically unqualified to be posted overseas near the end of the
 employee's training. We were concerned about the legality and
 propriety of securing such information from dependents of persons
 who were not yet Agency employees. We coordinated the proposal
 with the Office of Medical Services and the Office of the General
 Counsel. Upon receipt of the OGC opinion (see attached Reference
 B), recruiters were instructed to provide Medical History State-
 ments for each member of the family of OC applicants who were re-
 cruited for eventual overseas assignments.

3. No problems were encountered with this procedure until
 early this year when, based on the Medical History Statement, OMS
 said they could not arrive at a definite conclusion about a
 particular dependent unless the dependent was brought to Washing-
 ton, D. C. for an examination. Based on References C and D, we

decided that this was in order. Our reasoning was that if we are permitted to secure medical information and give medical examinations to dependents of prospective employees, the Agency was obviously authorized to pay for the travel to administer the examination.

4. Two such examinations were conducted and the travel paid with no questions being raised. When the third such dependent was here on 4-5 May, however, reimbursement was refused. This created an embarrassing incident because the dependent had written a check for her airline ticket on the basis that she would be reimbursed for her travel and could deposit the money in her checking account before the check cleared. Urgent consultation with OF failed to provide an immediate solution since Reference E does not provide for medical travel of dependents of prospective employees. (Subject was not approved by OMS.) Since this incident we have cancelled the medical examinations of two other dependents whom OMS asked be brought to Washington.

5. We again turned to OGC for guidance. They have orally advised that Reference E should be revised to specifically authorize medical travel of dependents of applicants slated for overseas assignments. The Travel Policy Committee has concurred in the revision. Until such time as the revision is approved, relief is sought under Reference A in the case [redacted] and such other cases OMS needs to see to render an evaluation. Your approval of this proposal is requested.

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[redacted]
F. W. M. Janney

Paragraph 1.a.

APPROVED/DISAPPROVED:

[redacted]

Deputy Director for Administration

12 Jun '78
Date

Paragraph 1.b.

APPROVED/DISAPPROVED:

Wish first to see the revision. If any cases come up, submit them individually.
Wish first to see the revision. If any cases come up, submit them individually.

Deputy Director for Administration

12 JUN 1978
Date

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30 July 1976

STATINTL MEMORANDUM FOR: OP/SPD

SUBJECT: Acquisition by the Agency of Medical History
Statements on the Spouses and Children of
Prospective Employees

1. You have requested the opinion of this Office as to whether the Agency may legally require that the family members of prospective employees submit a Statement of Medical History (Standard Form 93) in conjunction with the processing of a prospective employee's application for employment. You noted that the request is occasioned by the fact that on a number of occasions the overseas medical examinations of the family members of recently-employed Office of Communications employees have discovered difficulties which have precluded or restricted the assignment of these employees overseas. In many cases these defects may result in the termination or resignation of the Office of Communications employees. A procedure to acquire medical information on family members concurrently with the medical history of the prospective employee would help to detect serious medical problems early enough to avoid complications which arise subsequent to an employee's EOD date.

2. In 40 Federal Register 28949 (July 9, 1975) the Office of Management and Budget issued guidelines on the implementation of the Privacy Act. Section d-1 is relevant for our purposes and discusses restrictions on the collection of information about individuals. The basic guideline is that agencies may maintain in their records only such information about individuals that is relevant and necessary to accomplish the purpose or mission of the agency. In discussing the circumstances under which information can be collected, the section further states:

The authority to maintain a system of records does not give the agency the authority to maintain any information which it deems useful. Agencies shall review the nature of the information which they maintain in their systems records to assure that it is, in fact, 'relevant and necessary'. Information may not be maintained merely because it is relevant; it must be both relevant and necessary. While this determination is in the final analysis, judgmental, the following types of questions shall be considered in making such determination:

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How does the information relate to the purpose (in law) for which the system is maintained?

What are the adverse consequences, if any, of not collecting that information?

Could the need be met through the use of information that is not in individually identifiable form?

Does the information need to be collected on every individual who is the subject of a record in the system or would a sampling procedure suffice?

At what point will the information have satisfied the purpose for which it was collected; i.e., how long is it necessary to retain the information? Consistent with the Federal Records Act and related regulations could part of the record be purged?

What is the financial cost of maintaining the record as compared to the risks/adverse consequences of not maintaining it?

3. This Office feels that the collection of the medical information under the circumstances proposed would fall within the relevant and necessary requirements discussed above. Accordingly, we see no legal objection to requiring family members to submit medical history statements prior to the actual EOD of the Agency employee. Whether such information should be collected is essentially a policy question for the appropriate Agency official to decide, based to some extent on the answers to the questions cited above.

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Office of General Counsel
Operations and Management Law Division

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Recommend you approve the disallowed trip as proposed. However, I don't think it would be appropriate to grant a blanket authority under this "special authority". If the TPC has already met and approved the action, as I understand they have, the paperwork can be completed and the new policy put into effect in a couple of hours. All you need~~x~~ is the TPC paper establishing the effective date as the date you sign it.